

SUPPORT FOR THE AMENDMENTS

Claim 13 was previously canceled.

Claims 14-16 are canceled herein.

No new matter has been added by the present amendment.

REMARKS

Claims 1-12 are pending in the present application.

At the outset, Applicants wish to thank Examiner Sheehan for the indication that Claims 1-12 are allowed.

In the Office Action mailed August 9, 2007, the Examiner indicates that the objection to the amendment to Chart 3A filed on December 18, 2006, as presenting new matter has been maintained. At the outset, the Examiner is reminded that *Ex parte Quayle* practice is only applicable where an application is in condition for allowance except for formal matters. The dispute of whether the amendment to Chart 3A is new matter is not simply a formal matter, but rather speaks to the substance of the application. However, it is agreed that the error in designating the average grain diameter for sample D1 in Chart 3A as 45  $\mu\text{m}$  rather than the correct value of 35  $\mu\text{m}$  does not affect the description or enablement of the claimed invention.

Despite the Examiner's comments to the contrary, Applicants submit that the previous amendment to Chart 3A to correct the average grain diameter in Sample D1 from 45  $\mu\text{m}$  to 35  $\mu\text{m}$  is an obvious typographical error and the solution itself is obvious. Applicants submit that evidence for this lies in that the skilled artisan could reproduce the experiments described in the Examples supporting Chart 3A at each of 45  $\mu\text{m}$  and 35  $\mu\text{m}$  to see at which average grain size the remaining results are obtained.

Nonetheless, in order to secure allowance of the present application, Applicants have elected to address the "formal" matter relating to the alleged new matter by deleting the

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correct value of 35  $\mu\text{m}$  of the average grain diameter for sample D1 in Chart 3A and replacing it with the erroneous original value of 45  $\mu\text{m}$ .

In view of the amendments herein, Applicants request withdrawal of this ground of objection .

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

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